

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:19-CV-240-FL**

HENSLER SURGICAL PRODUCTS, LLC,

Plaintiff,

vs.

TOBRA MEDICAL, INC.,

Defendant.

Case No. 7:19-cv-00240-FL

ORDER

Before the Court is Plaintiff Hensler Surgical Products, LLC (“Hensler”) Motion to Lift Stay. On June 10, 2020, this Court stayed the above-captioned action pending the resolution of the USPTO’s reexamination on US Patent No. 10,493,183 (the “’183 Patent”), the only patent-at-issue. Having reviewed the Certificate of Reexamination filed by Plaintiff with its Motion, the Court finds that the reexamination proceeding has concluded and the validity of the patent-at-issue confirmed by the USPTO. Accordingly, the Court finds good cause exists to GRANT Plaintiff’s Motion and ORDERS as follows:

1. Plaintiff’s Motion to Lift Stay (Dkt. No. 39) is GRANTED.
2. The Court’s Order entered June 10, 2020 (Dkt. No. 33) is hereby VACATED.
3. The Court resets the case schedule as outlined in the below chart:

<u>Event</u>	<u>Proposed Date</u>
Exchange of Initial Disclosures and accompanying documents pursuant to Fed. R. Civ. P. 26(a)(1)	N/A
Opening of fact discovery	N/A

<u>Event</u>	<u>Proposed Date</u>
Plaintiff's Supplemental Disclosure of Asserted Claims and Preliminary Infringement Contentions (LPR 303.1)	June 2, 2021
Document production accompanying Plaintiff's Disclosure of Asserted Claims and Preliminary Infringement Contentions (LPR 303.2)	June 2, 2021
Defendant's Disclosure of Preliminary Invalidity Contentions (LPR 303.3)	July 19, 2021
Document production accompanying Defendant's Disclosure of Preliminary Invalidity Contentions (LPR 303.4)	July 19, 2021
Motion for Leave to Join Additional Parties	July 19, 2021
Exchange of Proposed Terms and Claim Elements for Construction (LPR 304.1)	August 9, 2021
Exchange of Preliminary Claim Constructions and Extrinsic Evidence, including disclosures concerning percipient or expert witnesses information (LPR 304.2)	August 30, 2021
Joint Claim Construction Statement (LPR 304.3)	September 17, 2021
Claim Construction Discovery completed	October 17, 2021
Opening Claim Construction Briefs	November 1, 2021
Responsive Claim Construction Briefs	November 22, 2021
Joint Report with availability for claim construction hearing	November 22, 2021
Claim Construction Hearing (LPR 304.6)	TBD by Court
Deadline for disclosure of advice of counsel (LPR 303.8)	30 days before close of fact discovery
Close of Fact Discovery	90 days after entry of claim construction order
Parties each serve expert witness disclosures on issues on which it bears the burden of proof (LPR 305.1(b))	30 days after close of fact discovery
Parties each serve expert witness disclosures on issues on which the other party bears the burden of proof (LPR 305.1(c))	30 days after service of initial expert reports
Parties each serve any rebuttal expert witness disclosures (LPR 305.1(d))	21 days after responsive expert reports

<u>Event</u>	<u>Proposed Date</u>
Close of expert discovery (LPR 305.2)	60 days after rebuttal expert reports
Dispositive and <i>Daubert</i> motions due (LR 7.1(c))	30 days after close of expert discovery

IT IS SO ORDERED.

Dated: 6/4/21



HON. LOUISE W. FLANAGAN
UNITED STATES DISTRICT COURT JUDGE